



## KWIK TRIP, INC. SAFETY AGREEMENT

Contractor is responsible for ensuring that it, its employees, subcontractors and their agents and employees, and all other persons performing any of the work under a contract or agreement with Kwik Trip, Inc. fully comply with all of the following safety requirements in the performance of the work.

### Protection of Persons and Property

1. The contractor and their lower-tier contractors shall take all necessary safety precautions with respect to their work. The contractor and their lower-tier contractors shall comply with all safety measures initiated by Kwik Trip and those required by the contract documents. The contractor and their lower-tier contractors shall comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority for the safety of persons or property, including the Occupational Safety and Health Act and all laws, rules and regulations amendatory and supplementary thereto. The contractor shall also comply with all environmental applicable laws, ordinances, rules, regulations, lawful orders and plans of any environmental agency or department, federal, state, or local agencies including the Environmental Protection Agency and Wisconsin Department of Natural Resources.
2. It is the responsibility of the contractor to communicate the demands of this safety agreement to their lower-tier contractors. The contractor is the liable party for all fines and discipline created by the lower-tier contractors. The contractor will ensure that Kwik Trip's safety policy is followed by the lower tiered contractors along with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority for the safety of persons or property, including the Occupational Safety and Health Act and all laws, rules and regulations amendatory and supplementary.
  - a. The contractor shall designate a responsible representative from their organization and the lower-tier contractors on the site whose duties shall be to oversee safety, health and the prevention of accidents. This designated representative shall be on-site during all work activities performed by the contractor and their lower-tier contractors. The responsible person's name and cell phone will be given to Kwik Trip's Site Supervisor and / or Project Manager prior to the start of any work activities at that site location.
3. The contractor has full and complete responsibility for the safety and health of their employees and the employees of all lower-tier contractors. In no case will the presence of any Kwik Trip employee relieve the contractor of this responsibility.
4. Contractors and their lower-tier contractors involved in unsafe acts or conditions shall cease the work activity(s) until the condition(s) is/are brought into compliance with the site safety requirements. The costs to bring the work activity into compliance shall be incurred by the contractor and at no time will costs be charged to Kwik Trip. If the contractor or their lower-tier contractors fails to take the necessary actions to correct unsafe conditions, Kwik Trip may correct the deficiency and back-charge the contractor.
5. The contractor and lower-tier contractor shall defend, indemnify and hold harmless Kwik Trip, its agents and employees from and against all claims arising out of or in connection with their responsibilities regardless of whether they assisted or advised the contractor in fulfilling such responsibilities. In addition, the contractor must require each of their lower-tier contractors to procure and maintain the same levels of insurance coverage as required from contractor.
6. Kwik Trip shall have authority to require the removal from the jobsite any employee of the contractor or their lower-tier contractors who fails to comply with the safety policies and programs for the project and those by regulatory requirement or directed by Kwik Trip.
  - a. If any contractor and/or their lower-tier contractor's employee(s) are removed from this project as a result of safety violations, they cannot be transferred to another Kwik Trip project.
  - b. The removal of any contractor's employees or their lower tier employees from the project shall in no manner affect contractor's obligation to perform its work in accordance with the project schedule.



7. All damage or loss to any property caused in whole or in part by the contractor or any of their lower-tier contractors or anyone directly or indirectly employed by any of them, shall be remedied by contractor at contractor's sole expense.
8. The contractor and their lower-tier contractors shall report all OSHA visits and/or inspections conducted at all Kwik Trip properties immediately to the Communication Center (608) 793-6267 along with the Kwik Trip construction site superintendent. All citations, penalties and violations including resolutions must be sent to [jasmith@kwiktrip.com](mailto:jasmith@kwiktrip.com) upon receipt.
9. All accidents/near-misses, hospitalizations, amputations, deaths, property damage and general public incidents shall be reported to the Kwik Trip Communication Center (608) 793-6267 and the Kwik Trip construction site supervisor immediately.
10. The contractor and their lower-tier contractors shall maintain and replace all safety protection systems damaged or removed by their operations.
11. The contractor and their lower-tier contractors shall be responsible for and maintain as required by existing conditions and progress of the work, all necessary safeguards for safety and protection effecting all contractors, vendors, Kwik Trip employees including the public, including posting danger signs, barricades and other warnings against hazards, disseminating safety regulations and notifying any parties which might be affected by the work by successfully restricting access.
12. The contractor shall conduct daily jobsite safety inspections of their work area and of their lower-tier contractors. The inspections shall be documented. All deficiencies must be corrected immediately, citing the corrective action within the report. A copy of these inspections will be forwarded to Kwik Trip ([jasmith@kwiktrip.com](mailto:jasmith@kwiktrip.com)) upon request.
13. The contractor and their lower-tier contractors shall give each new employee a site safety orientation before they start work on the construction site. This orientation shall apply to safety rules of the project including all state and federal regulations.
14. The contractor, the lower-tier contractor, and their employees shall not carry or possess any firearms or weapons on Kwik Trip property. This prohibition extends to all property owned and/or controlled by Kwik Trip, including all properties and buildings. This provision shall not, however, prohibit a co-worker from the otherwise lawful carrying or possession of a weapon in his/her personal vehicle.
15. The contractor, the lower-tier contractor, and their employees shall not use a cell phone while operating equipment or participating in or performing height activities.
16. All traffic control devices and traffic set-ups shall meet the requirements contained in the Manual of Uniform Traffic Control Devices (MUTCD).
  - a. The contractors shall ensure that the jobsite is secure each day before leaving; including all fencing erect and secure and that all gates are closed and secured.
  - b. Work shall not be performed in any area occupied by the Public unless specifically permitted and communicated by and cleared with Kwik Trip personnel prior to work commencing and under the guidance of best practices for public protection.
  - c. The contractors shall erect fencing or other physical barricades to keep the general public out of work areas. NOTE: The use of signage alone will not be acceptable.
  - d. When the work operations of the contractors affect sidewalks or other pathways, the contractor shall provide alternative pathways or routes that are safe for pedestrians. The contractors shall warn all pedestrians that the pathway or route is closed with signs and barricades.

- e. Contractors shall clearly direct all pedestrians to an alternative route with the use of signs and fencing. If the alternative route or pathway requires pedestrians to cross a roadway, the contractor shall ensure that this is at a designated crosswalk.
17. The contractor and their lower-tier contractors shall take all necessary precautions when working around roadways. The public shall be warned in advance, then regulated and guided safely through or around the work area. Proper work zone protection shall be planned to ensure the safety and protection of the public, the workers and the equipment. The contractor shall ensure that all required signing, barricades, cones and barrels are in place before work begins.
18. The contractor and their lower-tier contractors shall take all reasonable precautions for the safety of, and shall provide all reasonable protection to prevent damage, injury or loss to:
  - a. Everyone on the work site and all other persons who may be affected thereby.
  - b. All the work, materials and equipment to be incorporated herein, whether in storage on or off the site, under the care, custody or control of the contractor or any of their lower-tier contractors.
  - c. All types of machinery, tools etc. shall be secured when not in use or in attendance.
  - d. Other property at the site or adjacent thereto, including but not limited to trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, location, or replacement in the course of construction.
19. The contractor shall conduct weekly, at a minimum, safety meetings with all their employees and lower-tier contractor employees. Attendees and minutes of the safety meeting shall be documented and a copy of these documents will be forwarded to Kwik Trip upon request.
20. The contractor and their lower-tier contractors employees will not use or allow anyone to use Kwik Trip rental equipment without the operator being licensed or certified (where required) or who is not otherwise qualified to operate the equipment. All users/operators must comply with all applicable municipal, state and federal laws, ordinances and regulations including OSHA. Kwik Trip will not be responsible for any loss, damage or injury caused by, resulting from or in any way connected with the unauthorized or reckless use of rental equipment. An authorized operator must be knowledgeable of and trained on the proper operation and use of all rental equipment. The operator acknowledges that they have inspected the equipment prior to use and finds it in working order and must immediately report to the Kwik Trip site superintendent any damage, service requirements or faulty/unsafe condition.
21. OSHA requires that all crane operators be Certified Crane Operator (CCO) certified. All operators shall have valid proof of the CCO certification with them at the project before operating any crane.
22. The contractor and their lower-tier contractor's employees shall wear hard hats, which meet ANSI Z89.1-1986, and eyewear, which meets ANSI Z87.1, at all times when on the construction site. Suitable clothing for construction shall be worn on the construction site. Hi-Vis Shirts with sleeves (at least T-shirt length) and full-length pants shall be required. No shorts, tennis shoes or tank-tops. Proper leather hard soled work boots and appropriate safety equipment shall be worn at all times when on the construction site.
23. It is the responsibility of the contractor to enforce and supply the use of all required PPE by its employees and their lower-tier contractors.
24. Prior to any employee working on an excavation site they shall fully comply with 29 CFR 1926.651. The contractor shall be responsible for a competent person who's responsible to determine soil classification and appropriate protection methods.
25. The contractor and their lower-tier contractors shall comply with a 100% continuous 6-foot fall protection policy for Construction and 4-foot fall protection for General Industry. Only ANSI approved full-body harness with appropriate lanyard shall be used. Body belts, rock climbing harnesses etc. are not allowed.



26. All fall protection equipment must be used and maintained properly by the contractor and their lower-tier contractors. All inspection documentation will be provided to Kwik Trip upon request.
27. The contractor and their lower-tier contractors will limit employees from walking in the roof joist area. All work in the roof joist area must be completed from a stable work platform (ladder, aerial lift, etc.). Only in rare situations, after fall protection methods have been put in place, shall the employee be allowed to walk in the roof joist area.
28. The contractor and their lower-tier contractors shall use the correct ladder (size, length) as designed by the manufacturer at all times. At no time shall an employee be allowed to work/climb on the top two rungs of the ladder.
29. The contractor and their lower-tier contractors shall fully comply with 29 CFR 1926.1153. Each contractor or their lower-tier contractors engaged in a task identified on Table 1 shall fully and properly implement the engineering controls, work practices and respiratory protection specified.
  - a. All Contractors including their lower-tier contractors will have a written exposure control plan, a competent person to provide training for their employees, including regulating the area or restricting access to other parties exposed.
30. The contractor and their lower-tier contractors shall implement a respirator protection program before any employee is allowed to wear a respirator, which shall include: medical qualification, respirator selection and fit testing.
31. When the use or storage of explosives, other hazardous materials or equipment is necessary for execution of the work, contractor and their lower-tier contractors shall exercise the utmost care and shall carry on such activities under the supervision of properly qualified personnel and only after written approval of Kwik Trip.
32. The contractor and their lower-tier contractors shall use ground fault circuit interrupters (GFCI) on all tools and equipment. All extension cords and power tools shall be properly guarded and inspected for damage.
33. The contractor and their lower-tier contractors shall have a written Emergency and Rescue Plan on site. This will be communicated to their employees prior to each employee beginning work at each site location.
34. The contractor and their lower-tier contractors shall have a written Safety and Health Loss Prevention Plan on site. This shall include a written Hazard Communication / Employee Right-to-Know Program, which conforms to the requirements addressed in 29 CFR 1926. The contractor's Safety and Health Plan shall be the governing document that all lower-tier contractors must comply with.
35. The contractor and their lower-tier contractors shall provide the following safety submissions to their employees and a designated Project Safety Coordinator prior to starting work at each site location. These plans will be placed in Kwik Trip's Job Box at each location: site/hazard specific work plan (if applicable), Hazard Communication site specific plan, including SDS, Site Specific Fall Prevention Plan.
36. The contractor and their lower-tier contractors shall only use products such as paint, adhesives, caulks and sealants that emit low VOC's during application.
  - a. In the event that an alternate product must be used the contractor shall review the SDS to ensure that the product does not pose a hazard to other contractors, employees or customers.
  - b. The contractor and their lower tier contractors must ensure proper ventilation while using such products that omit vapors.
  - c. For any chemical that the SDS requires a respirator or protective clothing during application the SDS must be submitted and approved by Kwik Trip prior to application. Submit the SDS 72 hours prior to [jasmith@kwiktrip.com](mailto:jasmith@kwiktrip.com) or fax to (608) 781-8960. Upon receiving the letter of approval, you may proceed with the application.
37. The use of or the possession of alcoholic beverages or illegal drugs is not permitted on Kwik Trip premises.



- 38. Special arrangements must be made with the Kwik Trip Project Manager and/or Site Superintendent for access on Kwik Trip property beyond the normal workday (i.e. weekends and holidays).
- 39. Housekeeping is the contractor's responsibility and the jobsite must be as clean and orderly as possible while the work is being performed. Contractor is also responsible for placing and securing all safety measures.

**Violation System**

At Kwik Trip's discretion they can bypass the fining system and immediately dismiss any contractor and their lower-tiered contractors from the job site for the day or permanently.

Kwik Trip can also choose to bypass the fining system with the enrollment of safety training through an authorized trainer.

First Incident: If an employee(s) are found in violation of safety rules or regulations they can be escorted from the construction site and refused entrance until they return with the appropriate equipment on. A copy of this incident will be mailed directly to the contractor's office.

Second incident +: If an employee(s) are found in violation of safety rules or regulations they can be escorted from the construction site and refused entrance until the next working day. The contractor will also receive a fine ranging from \$100 to \$500 per employee, per site. The amount of the fine is set by the number of infractions and the calculated risk.

In the event of a major accident or OSHA citation, Kwik Trip reserves the right to hire a safety consultant to specifically monitor the contractors work at the contractor's sole expense.

Your signature constitutes full agreement to the terms and conditions written in this **Kwik Trip, Inc. Safety Agreement** and is in effect until revoked in writing by the undersigned.

**CONTRACTOR**

Company Name: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Person: \_\_\_\_\_ Title: \_\_\_\_\_  
(Please Print)

Signature of Authorized Person: \_\_\_\_\_